

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.46925

Mireille Isons

3301 Kyle Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 21, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-203: unsafe structure, must obtain a structural engineers evaluation; section 3-6-401, failure to comply with Final Order dated February 11, 2009 on residential property known as 3301 Kyle Court, 21244.

On May 27, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Bob Peters issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$20,800.00 (twenty thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice and Stop Work Order was issued on August 7, 2008 for constructing an addition without required building permits and inspections. A Citation was issued on January 8, 2009. Hearing Officer Donald Brand issued a Final Order on February 13, 2009 imposing a \$5,000.00 civil penalty and abating the penalty if Respondent obtained required inspections on or before March 6, 2009. That penalty has not been enforced.

B. A Correction Notice was issued March 9, 2009 notifying Respondent that a structural engineer's evaluation was required. This Citation was issued on May 27, 2009.

C. Photographs in the file show a large second story addition to Respondent's house. Notes in the file from building inspectors state that the structural framing of the addition does not appear to comply with code requirements, and may be unsafe. An evaluation report by a structural engineer licensed in the State of Maryland must be obtained by Respondent, and any corrective measures prescribed by the structural engineer must be done promptly. Notes in the file state that Respondent's husband told the Inspector on April 17, 2009 that he needed additional time to obtain the engineering certification. However there is no evidence that any effort has been made to engage a structural engineer.

D. The siding on the sides of the addition is incomplete, with large side sections of raw plywood sheathing visible. The County Code requires that structures be weathertight; the rest of the siding must be installed to protect the addition and the original structure from damage and structural deterioration.

E. Respondent has failed to respond to the County's notices and failed to attend this Hearing. Multiple time extensions have been provided by County inspectors but no progress has been made since March 2009. Because compliance is the goal of code enforcement, an additional opportunity will be provided for Respondent to correct these violations and obtain a significant reduction in the civil penalty. Respondent will be given two more weeks to obtain an evaluation and corrective measures report from a structural engineer licensed in the State of Maryland, and must start making the

required corrections by September 2, 2009. If the corrective measures and the exterior construction of this addition are not completed within a reasonable time thereafter, Respondent will be subject to additional Citations with additional civil penalties for the continued code violations. Failure to obtain required permits and to pass required inspections may also result in Respondent being required to remove the addition and restore the house to its original condition.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$15,000.00 (fifteen thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if (1) by August 26, 2009, Respondent submits to Baltimore County a written evaluation and corrective measures report by a structural engineer licensed in the State of Maryland, AND (2) by September 8, 2009, Respondent starts work on whatever corrective measures are directed by the engineering report. If Respondent fails to meet this time schedule, the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10<sup>th</sup> day of August 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer